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असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, MONDAY, MAY 22, 1972/JYAISTHA 1, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 22nd May, 1972.

BILL No. 45 OF 1972

A Bill further to amend the Mines Act, 1952.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Mines (Amendment) Act, 1972.

Short
title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

35 of 1952. 2. In the Mines Act, 1952 (hereinafter referred to as the principal Act), in section 2, in sub-section (1),—

Amend-
ment of
section 2.

(i) for clause (c), the following clause shall be substituted, namely:—

(c) "agent" when used in relation to a mine, means any individual, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the management, control, supervision and direction of the mine or of any part thereof;";

(ii) for clause (h), the following clause shall be substituted, namely:—

‘(h) a person is said to be “employed” in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not—

(i) in any mining operation (including the concomitant operations of handling and transport of mineral up to the point of despatch from the mine);

(ii) in operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and other building work not directly connected with any existing or future mining operations;

(iii) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;

(iv) in operations of loading for despatch of minerals when carried out within the premises of the mine;

(v) in the office of the mine located within the premises of the mine;

(vi) in any welfare, health, sanitary or conservancy services required to be provided under this Act or for watch and ward, within the premises of the mine excluding residential area; or

(vii) in any other sphere whatsoever which is preparatory or incidental to, or connected with, mining operations;’

(iii) for clause (j), the following clause shall be substituted, namely:—

‘(j) “mine” means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on under a mining lease including an exploring or a prospecting licence granted under the Oilfields (Regulation and Development) Act, 1948, or under a prospecting licence or a mining lease granted under the Mines and Minerals (Regulation and Development) Act, 1957, or under any other lease or licence or permission granted under any other enactment or agreement, permit or order and includes—

(i) all borings, bore holes, oilwells and accessory crude conditioning plants, including the pipe lines and pumping stations provided for conveying mineral oil from the oilfields up to the point where it enters the refinery or other processing plant;

(ii) all shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;

(iii) all levels and inclined planes in the course of being driven in or about the mine;

(iv) all open cast workings in or about the mine;

(v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;

(vi) all adits, levels, planes, machinery, works, railways, tramways and sidings, in or adjacent to and belonging to a mine;

(vii) all protective works being carried out in or about the mine;

(viii) all stores and workshops situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;

(ix) all power stations, transformer sub-stations, converter stations, rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;

(x) any premises for the time being used for depositing refuse from a mine or sand or other material for use in the mine or in which any operation in connection with such refuse, sand or other material is being carried on, being premises exclusively occupied by the owner of the mine;

(xi) unless exempted by the Central Government by notification in the Official Gazette, any premises or part thereof, in or adjacent to and belonging to a mine, on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;

(iv) after clause (p), the following clause shall be inserted, namely:—

‘(pp) “reportable injury” means any injury other than a serious bodily injury which involves or in all probability will involve, the enforced absence of the injured person from work for a period exceeding twenty days;’

(v) for clause (q), the following clause shall be substituted, namely:—

‘(q) “serious bodily injury” means any injury which involves, or in all probability will involve, the permanent loss of the use of any limb or the permanent loss of or injury to the sight or hearing or the fracture of any bone, but does not include the fracture of not more than one joint or bone of any phalanges of hand or foot;’

3. In section 3 of the principal Act, in sub-section (1), in clause (b),— Amendment of section 3.

(a) after the words “building stone,” the word “slate,” shall be inserted;

(b) after the words “fullers earth,” the words “, marl, chalk” shall be inserted.

4. In section 8 of the principal Act,—

Amendment of section 8

(a) after the words “levelling or measuring any mine”, the words “or any output therefrom” shall be inserted;

(b) after the words “the mine or any part thereof”, the words “or any output therefrom” shall be inserted.

Insertion
of new
section
9A.

Power
to under-
take
safety
and
occupa-
tional
health
survey.

5. After section 9 of the principal Act, the following section shall be inserted, namely:—

“9A. (1) The Chief Inspector or an Inspector or other officer authorised by him in writing in this behalf may, at any time during the normal working hours of a mine or at any time by day or night as may be necessary, undertake safety and occupational health survey in a mine after giving not less than three days’ notice in writing to the manager of the mine; and the owner, agent or manager of the mine shall afford all necessary facilities (including facilities for the examination and testing of plant and machinery, for the collection of samples and other data pertaining to the survey and for the transport and examination of any person employed in the mine chosen for the survey) to such Chief Inspector, Inspector or other officer.

(2) Every person employed in a mine who is chosen for examination in any safety and occupational health survey under sub-section (1) shall present himself for such medical examination and at such place as may be necessary and shall furnish all information regarding his work and health in connection with the said survey.

(3) The time spent by any person employed in a mine who is chosen for examination in the safety and occupational health survey, shall be counted towards his working time; so, however, that any overtime shall be paid at the ordinary rate of service.”

Amend-
ment of
section 10.

6. In section 10 of the principal Act,—

(a) in sub-section (1), after the word “inspection”, the words “or survey” and after the word and figure “section 8”, the words, figure and letter “or section 9A” shall be inserted;

(b) in sub-section (2), for clause (e), the following clauses shall be substituted, namely:—

“(e) the Controller, Indian Bureau of Mines;

(f) such other officer, authority or organisation as may be specified in this behalf by the Central Government.”

Substi-
tution of
new
sections
for sec-
tion 12
and
saving.

Consti-
tution
of the
Mining
Board.

7. (1) For section 12 of the principal Act, the following sections shall be substituted, namely:—

“12. The Central Government shall, with effect from such date as that Government may by notification in the Official Gazette specify in this behalf, constitute for the purpose of this Act a Mining Board (hereinafter referred to as the Mining Board) consisting of—

(a) a technical person in the service of the Government, not being the Chief Inspector or an Inspector appointed by the Central Government, to act as Chairman;

(b) the Chief Inspector or an Inspector appointed by the Central Government;

(c) a person, not being the Chief Inspector or an Inspector, appointed by the Central Government;

(d) four persons representing Governments of such States as the Central Government may specify in this behalf, from time to time, appointed by the Central Government;

(e) four persons representing owners of mines nominated by the Central Government, in consultation with such organisations of owners of mines as may be recognised by the Central Government for the purpose;

(f) four persons representing persons employed in mines nominated by the Central Government in consultation with such organisations of persons employed in mines as may be recognised by the Central Government for the purpose; and

(g) two persons to represent the interests of managers of mines, nominated by the Central Government in consultation with such organisations of managers of mines as may be recognised by the Central Government for the purpose.

12A. No act or proceeding of the Mining Board shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof."

Vacancies, etc., not to invalidate acts and proceedings of the Mining Board

(2) (a) As from the date of constitution of the Mining Board under section 12 of the principal Act as amended by this Act (hereafter in this sub-section referred to as the Board)—

(i) any Mining Board constituted under section 12 of the principal Act and functioning as such on the aforesaid date shall stand dissolved;

(ii) the Chairman and members of any such Mining Board, who on the aforesaid date are members of that Mining Board, shall cease to hold office as such;

(iii) all proceedings pending on the aforesaid date in any Mining Board shall stand transferred to the Board which shall determine the matter as if it had been pending therein.

(b) Anything done or any action taken before the constitution of the Board by any Mining Board shall, so far as it is not inconsistent with any of the provisions of the principal Act as amended by this Act, be as valid and effectual as if it had been done or taken by the Board.

8. In section 13 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

Amendment of section 13.

"(c) two persons to represent the interests of the persons employed in the mine of whom one shall be nominated by the owner, agent or manager of the mine concerned and the other shall be nominated by the Central Government in consultation with such organisations of persons employed in the mine as may be recognised for the purpose by that Government:

Provided that where no such organisation exists, the other person to represent the interests of persons employed in that mine shall be nominated in consultation with such other organisation of persons employed in mines as the Central Government may deem fit."

Amend-
ment
of sec-
tion 14.

9. In section 14 of the principal Act,—

(a) in sub-section (1), for the words and figures "Any Mining Board constituted under section 12 and any Committee", the words "The Mining Board, and every Committee" shall be substituted;

(b) in sub-section (2), for the words and figures "Every Mining Board constituted under section 12", the words "The Mining Board" shall be substituted.

Amend-
ment of
section 15.

10. In section 15 of the principal Act, for the words and figures "by a Mining Board constituted under section 12", the words "by the Mining Board" shall be substituted.

Amend-
ment of
section 16.

11. In section 16 of the principal Act, in sub-section (1), for the word "Director", the word "Controller" shall be substituted.

Substi-
tution
of new
sections
for
sections
17 and 18.

12. For sections 17 and 18 of the principal Act, the following sections shall be substituted, namely:—

Managers.

"17. (1) Save as may be otherwise prescribed, every mine shall be under a sole manager who shall have the prescribed qualifications and the owner or agent of every mine shall appoint a person having such qualifications to be the manager:

Provided that the owner or agent may appoint himself as manager if he possesses the prescribed qualifications.

(2) Subject to any instructions given to him by or on behalf of the owner or agent of the mine, the manager shall be responsible for the overall management, control, supervision and direction of the mine.

(3) No instructions affecting the fulfilment of the statutory responsibilities of the manager or affecting the safety of persons employed in the mine shall be given to the manager by the owner or agent or anyone on his behalf unless the person giving such instructions is qualified to be the manager of that mine and all such instructions when given by a person so qualified shall be confirmed in writing forthwith.

(4) Except in case of an emergency, the owner or agent of a mine or anyone on his behalf shall not give, otherwise than through the manager, instructions affecting the fulfilment of his statutory duties, to a person employed in a mine, who is responsible to the manager.

Duties
and
respon-
sibilities
of
owners,
agents
and
mana-
gers.

18. (1) The owner and agent of every mine shall be responsible for making financial and other provisions and for taking such other steps as may be necessary for the appointment of adequate staff and also for equipping and providing it with men and material in such a manner that all operations carried on therein are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

(2) The responsibility in respect of matters provided for in the rules made under clauses (d), (e) and (p) of section 58 shall be

exclusively carried out by the owner and agent of the mine and by such person (other than the manager) whom the owner or agent may appoint for securing compliance with the aforesaid provisions of this Act.

(3) If the carrying out of any instructions given under sub-section (3), or given otherwise than through the manager under sub-section (4), of section 17, entails or results in the contravention of the provisions of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, every person giving such instructions shall also be liable for the contravention of the provisions concerned.

(4) Subject to the provisions of sub-sections (1), (2) and (3), the owner, agent and manager of every mine shall each be responsible to see that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

(5) In the event of any contravention by any person whosoever of any of the provisions referred to in sub-section (3) except those which specifically require any person to do an act or thing or prohibit any person from doing an act or thing, besides the person who contravenes, each of the following persons shall also be deemed to be guilty of such contravention unless he proves that he had used due diligence to secure compliance with the said provisions and had taken reasonable means to prevent such contravention:—

(i) the official or officials appointed to perform duties of supervision in respect of the provisions contravened;

(ii) the manager of the mine;

(iii) the owner and agent of the mine; and

(iv) the person appointed, if any, to carry out the responsibility under sub-section (2):

Provided that any of the persons aforesaid may not be proceeded against if it appears on inquiry and investigation, that he is not *prima facie* liable.

(6) It shall not be a defence in any proceedings brought against the owner or agent of a mine under this section that the manager and other officials have been appointed in accordance with the provisions of this Act or that a person to carry out the responsibility under sub-section (2) has been appointed.”.

13. In section 22 of the principal Act,—

(a) in sub-section (3), for the words “until the danger is removed”, the words “until he is satisfied that the danger is removed” shall be substituted;

(b) in sub-section (5), after the word, brackets and figure “sub-section (4)”, the words, figures and letter “or under section 22A” shall be inserted;

(c) in sub-section (6),—

(i) after the word, brackets and figure “sub-section (4)”, the words, figures and letter “or under section 22A” shall be inserted;

Amendment of section 22.

(ii) for the words "which shall refer", the words "which shall, ordinarily within a period of two months from the date of receipt of the objection, refer" shall be substituted;

(d) in sub-section (7),—

(i) after the word, brackets and figure "sub-section (4)", the words, figures and letter "or under section 22A" shall be inserted;

(ii) in the proviso, for the word "requisition", the word shall be substituted;

Insertion of new section 22A.

14. After section 22 of the principal Act, the following section shall be inserted, namely:—

Powers of Chief Inspector in cases where the provisions of the Act are not complied with.

"22A. Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of a mine fails to comply with any such provision, the Chief Inspector may give notice in writing requiring the same to be complied with within such time as he may specify in the notice or within such extended period of time as he may, from time to time, specify thereafter and where the owner, agent or manager fails to comply with such notice, the Chief Inspector may, without prejudice to any other action that may be taken against the owner, agent or manager of the mine under this Act, by order in writing, prohibit the employment in or about the mine or any part thereof of any person whose employment is not, in his opinion, reasonably necessary for securing compliance with the terms of the notice."

Amendment of section 23.

15. In section 23 of the principal Act,—

(a) in sub-section (1), in clause (a), for the words "serious bodily injury", the words "reportable injury or serious bodily injury" shall be substituted;

(b) in sub-section (3), for the words "forty-eight hours", the words "seventy-two hours" shall be substituted.

Insertion of new section 23A.

16. After section 23 of the principal Act, the following section shall be inserted, namely:—

Place of accident not to be disturbed.

"23A. Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury to three or more persons the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or an Inspector unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased, or to rescue any person from danger or unless discontinuance of work at the place of accident would seriously impede the working of the mine:

Provided that where the Chief Inspector or an Inspector fails to make an inspection within seventy-two hours of the time of the accident, work may be resumed at the place of the accident."

17. In section 33 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

Amend-
ment of
section
33.

“(2) Where any person employed in a mine is paid on piece-rate basis, the time-rate shall be taken as equivalent to the daily average of his full time earnings for the days on which he actually worked during the week immediately preceding the week in which overtime work has been done, exclusive of any overtime, and such time-rate shall be deemed to be the ordinary rate of wages of such person:

Provided that if such person has not worked in the preceding week on the same or identical job, the time-rate shall be based on the average for the days he has worked excluding the overtime in the week in which overtime was done.

(3) For the purposes of this section, “ordinary rate of wages” means the basic wages plus any dearness allowance and underground allowance and compensation in cash including such compensation, if any, accruing through the free issue of food grains as persons employed in a mine may, for the time being, be entitled to, but does not include a bonus (other than a bonus given as an incentive for production) or any compensation accruing through the provision of amenities such as free housing, free supply of coal, medical and educational facilities, sickness allowance, supply of kerosene oil, edible oil, baskets, tools and uniforms.”.

18. In section 38 of the principal Act, in sub-section (1), after the words and figures “subject to the provisions of section 22”, the words, figures and letter “or section 22A” shall be inserted.

Amend-
ment of
section
38.

19. In section 49 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

Amend-
ment of
sec-
tion 49.

“Provided that if such award, agreement or contract of service provides for a longer annual leave with wages than that provided for in this Chapter, the quantum of leave, which such person shall be entitled to, shall be in accordance with such award, agreement or contract of service, but in matters not provided for in such award, agreement or contract of service, or in matters which are provided for less favourably therein, the provisions of sections 50 to 56, so far as may be, shall apply.”.

20. In section 52 of the principal Act,—

Amend-
ment
of sec-
tion 52.

(a) after sub-section (9) and before the *Explanation*, the following sub-section shall be inserted, namely:—

“(10) Where a person employed in a mine is, during the course of a calendar year, discharged or dismissed from service or quits his employment or is superannuated or dies while in service, he or his heirs or his nominee, as the case may be, shall be entitled to wages in lieu of leave calculated at the rate specified in sub-section (1), if—

(a) in the case of a person employed below ground in a mine, he has put in attendance for not less than one-half of the total number of days from the date of his employment

to the date of his discharge or dismissal or quitting of employment or superannuation or death;

(b) in any other case, he has put in attendance for not less than two-thirds of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death;

and payment of such wages shall be made by the owner, agent or manager of the mine at the rate specified in section 53, where the person is discharged or dismissed from service or quits employment or is superannuated, before the expiry of the second working day after such discharge, dismissal, quitting of employment or superannuation, as the case may be, and where the person employed dies while in service, within a period of two months of his death.”;

(b) in the *Explanation*, for the words, brackets and figures “sub-sections (1) and (3)”, the words, brackets and figures “sub-sections (1), (3) and (10)” shall be substituted.

Amend-
ment
of sec.
tion 57.

21. In section 57 of the principal Act,—

(a) in clause (q), for the words “for providing for the safety of persons present on haulage roads”, the words “for regulating the use of machinery in mines, for providing for the safety of persons employed on or near such machinery and on haulage roads” shall be substituted;

(b) in clause (u), for the words “for prescribing the plans, and sections and field notes connected therewith, to be kept by owners, agents and managers of mines” the words “for requiring owners, agents and managers of mines to have fixed boundaries for the mines, for prescribing the plans and sections and field notes connected therewith, to be kept by them” shall be substituted;

(c) in clause (v), the words “for the purpose of dealing effectively with the situation” shall be inserted at the end;

(d) in clause (x), for the words “fifty yards”, the words “forty-five metres” shall be substituted.

Amend-
ment
of sec-
tion 58.

22. In section 58 of the principal Act,—

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) for prescribing the term of office and other conditions of service of, and the manner of filling vacancies among, the members of the Mining Board, and for regulating the procedure to be followed by the Mining Board for transacting its business;”;

(b) after clause (c), the following clause shall be inserted, namely:—

“(cc) for providing for inspection of mines to be carried out by a technical expert (not less than an overman in status), on behalf of the persons employed therein, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made;”;

(c) clauses (r), (s), (t) and (u) shall be omitted;

(d) for clause (v), the following clause shall be substituted, namely:—

“(v) for providing for the constitution of safety committees for groups of specified mines or for all mines in a specified area for promoting safety and for laying down the composition, manner of formation and functions of such safety committees; and”.

23. In section 59 of the principal Act,—

Amend-
ment
of sec-
tion 59.

(a) in sub-section (1), for the words and figures “sections 57 and 58”, the words, figures and letter “sections 57, 58 and 62G” shall be substituted;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) No regulation or rule shall be made unless the draft thereof has been referred to the Mining Board and unless the Mining Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.”;

(c) sub-section (7) shall be omitted.

24. After section 59 of the principal Act, the following section shall be inserted, namely:—

Insert-
tion of
new sec-
tion 59A.

“59A. Every regulation made under section 57 and every rule made under section 58 or under section 62G shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or the rule or both Houses agree that the regulation or rule should not be made, the regulation or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation or rule, as the case may be.”.

Laying
of regu-
lations
and
rules
before
the Parlia-
ment.

25. In section 60 of the principal Act,—

Amend-
ment
of sec-
tion 60.

(a) for the words “Mining Boards”, the words “the Mining Board” shall be substituted;

(b) in the proviso, after the words “so made”, the words “shall be sent to the Mining Board for information and” shall be inserted.

26. In section 61 of the principal Act,—

Amend-
ment
of sec-
tion 61.

(a) in sub-section (1), for the words “for the control and guidance of the persons acting in the management of, or employed in, the mine”, the words “governing the use of any particular machinery

or the adoption of a particular method of working in the mine" shall be substituted;

(b) in sub-section (3), the words "or, where there is no Mining Board, to such officer or authority as the Central Government may, by general or special order, appoint in this behalf" shall be omitted;

(c) in sub-section (4), in clause (a), the words "or such officer or authority as aforesaid" shall be omitted.

Insertion of new Chapter VIIIA.

27. After section 62 of the principal Act, the following Chapter and sections shall be inserted, namely:—

"CHAPTER VIIIA

COAL MINES RESCUE STATIONS COMMITTEE

Constitution of Coal Mines Rescue Stations Committee.

62A. (1) The Central Government shall, with effect from such date as that Government may, by notification in the Official Gazette, specify in this behalf, constitute a committee to be known as the Central Coal Mines Rescue Stations Committee (hereinafter in this Chapter referred to as the Rescue Committee).

(2) The Rescue Committee shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The head office of the Rescue Committee shall be at Dhanbad or at such other place as the Central Government may, by notification in the Official Gazette, specify.

(4) The Rescue Committee shall consist of not less than five, and not more than fifteen, members appointed by the Central Government.

(5) The Central Government shall nominate one of the members of the Rescue Committee to be its Chairman.

(6) The term of office and other conditions of service of, and the manner of filling vacancies among, the members of the Rescue Committee shall be such as may be prescribed.

(7) The Rescue Committee may appoint sub-committees or agencies at other places.

Management.

62B. The general management, control, supervision and direction of the rescue stations, shall vest in the Rescue Committee.

Imposition and collection of duty.

62C. (1) There shall be levied and collected as a cess for administration of rescue stations, a duty of excise on all coke and coal despatched from mines for which rescue stations have been established, at such rate not exceeding ten paise per tonne, as may from time to time be fixed by the Central Government by notification in the Official Gazette.

(2) The duty levied under sub-section (1) shall, subject to and in accordance with the rules made in this behalf, be collected by such agencies and in such manner as may be prescribed.

62D. (1) The proceeds of the duty levied under section 62C shall first be credited to the Consolidated Fund of India and the Central Government may, after due appropriation by Parliament, by law made in this behalf, pay to the Rescue Committee in each financial year, such sums not exceeding the net proceeds of the duty after deducting the expenses of collection, as may be considered necessary, for the performance of the functions of the Rescue Committee under this Act.

Payment of proceeds of duty to Rescue Committee.

(2) The Rescue Committee shall have its own fund and all receipts of the Rescue Committee shall be credited thereto and all payments made by the Rescue Committee shall be made therefrom.

(3) The fund of the Rescue Committee shall be applied towards meeting the expenses of the Rescue Committee and on the construction, maintenance and up-keep of the rescue stations.

62E. (1) The Rescue Committee shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(2) The accounts of the Rescue Committee shall be audited by the Comptroller and Auditor-General of India or by any other person authorised by him in this behalf at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Rescue Committee to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Rescue Committee shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts, and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Rescue Committee.

(4) The accounts of the Rescue Committee as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

62F. The Rescue Committee shall submit to the Central Government an annual report of its work and activities in such form and before such date as may be prescribed, and that Government shall cause the same to be laid before each House of Parliament.

Annual report.

62G. (1) The Central Government may, by notification in the Official Gazette, make rules to carry into effect the purposes of this Chapter.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide—

- (i) for the custody of the fund of the Rescue Committee;
- (ii) for the term of office and other conditions of service of, and the manner of filling vacancies among, the members of the Rescue Committee, and the procedure to be followed by the Rescue Committee for transacting its business;
- (iii) for requiring the establishment of rescue stations for groups of specified coal mines or for all coal mines in a specified area;
- (iv) for regulating the powers and functions of, and the conduct of business by, authorities (other than the Rescue Committee) charged with the management of the rescue stations;
- (v) for prescribing the equipment, control, maintenance and functions of rescue stations;
- (vi) for providing for the formation, training, composition and duties of rescue brigades and corps and for the terms and conditions of service of persons trained in rescue work employed in mines;
- (vii) for regulating the conditions of service of its employees;
- (viii) for the form and the manner in which the accounts and other relevant records of the Rescue Committee shall be maintained and the annual statement of accounts including the balance-sheet shall be prepared;
- (ix) for the form of the annual report of the Rescue Committee and the date on or before which it shall be submitted to the Central Government.

62H. As from the date the Rescue Committee is established under sub-section (1) of section 62A—

(a) all properties, movable and immovable, vested in the Committee constituted under the Coal Mines Rescue Rules, 1959, shall vest in the Rescue Committee;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done, by with, or for, the Committee constituted under the Coal Mines Rescue Rules, 1959, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the Rescue Committee;

(c) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against, the Committee constituted under the Coal Mines Rescue Rules, 1959, may be continued or instituted by, for or against, the Rescue Committee.

Transfer
of
assets
and
liabilities
of
the Committee
constituted
under
the
Coal
Mines
Rescue
Rules,
1959.

62I. All actions taken or things done by the Committee constituted under the Coal Mines Rescue Rules, 1959, in pursuance of the provisions of this Act or the rules made thereunder before the commencement of the Mines (Amendment) Act, 1972, shall, unless inconsistent with the provisions of this Act as amended by the Mines (Amendment) Act, 1972, be deemed to have been taken or done under this Act as amended by the Mines (Amendment) Act, 1972 and the rules made thereunder.”

Savings.

28. In section 72B of the principal Act,—

(a) after the word and figures “section 22”, the words, figures and letter “or under section 22A” shall be inserted;

Amend-
ment
of sec-
tion 72B.

(b) the following proviso shall be inserted at the end, namely:—

“Provided that unless there are special and adequate reasons to the contrary and are so recorded in writing by the Court, such fine shall not be less than two thousand rupees.”

29. In section 72C of the principal Act, in sub-section (1),—

(a) after the word and figures “section 22”, the words, figures and letter “or under section 22A” shall be inserted;

Amend-
ment
of sec-
tion 72C.

(b) the following proviso shall be inserted at the end, namely:—

“Provided that unless there are special and adequate reasons to the contrary and are so recorded in writing by the Court, such fine in the case of a contravention under clause (a) shall not be less than one thousand rupees.”

30. In section 79 of the principal Act,—

(a) in clause (iii), the word “or” shall be inserted at the end;

(b) after clause (iii), the following clause shall be inserted, namely:—

Amend-
ment
of sec-
tion 79.

“(iv) in any case in which a Government servant is also an accused for whose prosecution previous sanction of the Central Government or of the State Government or of any other authority is necessary under any law for the time being in force, within three months of the date on which such sanction is received by the Chief Inspector.”

31. In section 81 of the principal Act, for the words “a Mining Board” in both places where they occur, the words “the Mining Board” shall be substituted.

Amend-
ment
of sec-
tion 81.

32. In section 83 of the principal Act,—

(a) in sub-section (1), for the words “all or any of the provisions of this Act”, the words “all or any of the provisions of this Act or of the regulations, rules or bye-laws made thereunder” shall be substituted;

Amend-
ment
of sec-
tion 83.

(b) in sub-section (2), for the words “regulations or rules under this Act”, the words “regulations, rules or bye-laws” shall be substituted.

Amend-
ment
of sec-
tion 84.

33. Section 84 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

“(2) The Chief Inspector may, for reasons to be recorded in writing, reverse or modify any order passed by him under this Act or under any regulation, rule or bye-law.

(3) No order prejudicial to the owner, agent or manager of a mine shall be made under this section unless such owner, agent or manager has been given a reasonable opportunity of making representations.”.

Inser-
tion of
new sec-
tions 85B
and 85C.

34. After section 85A of the principal Act, the following sections shall be inserted, namely:—

Signing
of
returns,
notices
and
corres-
pondence.

“85B. All returns and notices required under, or correspondence made in connection with, the provisions of this Act or of any regulation, rule, bye-law or any order made thereunder shall be signed by the owner, agent or manager of the mine:

Provided that the owner may, by a power of attorney, delegate this function to any other specified person.

No
charge
for
facili-
ties and
conveni-
ences.

85C. Unless otherwise prescribed, no fee or charge shall be realised from any person employed in a mine in respect of any protective arrangements or facilities to be provided, or any equipment or appliances to be supplied under the provisions of this Act.”.

STATEMENT OF OBJECTS AND REASONS

The Mines Act, 1952 seeks to regulate the working conditions in mines by providing for measures to be taken for the safety of the workers employed therein and certain amenities for them. In the light of the working of the Act, certain modifications of the provisions of the Act have become necessary. They mainly relate to (1) the removal of certain practical difficulties experienced in its enforcement; (2) provision for additional safety regulations; (3) closer association of workers with safety measures; (4) provision for a minimum penalty in cases of gross negligence or recklessness; and (5) provision of corporate status for the Rescue Stations Committee.

2. The notes on clauses appended to the Bill explain the provisions thereof.

NEW DELHI;
The 20th March, 1972.

R. K. KHADILKAR.

Notes on clauses

Clause 2.—This clause seeks mainly to amend the definition of the expressions “agent”, “a person employed in a mine”, “mine” and “serious bodily injury” to make them more comprehensive. The present definition of “serious bodily injury” covers two distinct types of injuries, i.e., those that are reported because of the time involved in recovery and others which cause injury to any particular limb, etc. Invariably injuries of the former type are reported only after statutory period of absence (20 days) is exceeded, whereas those of the latter type are reported forthwith. Therefore, a distinction has necessarily to be made between the two types of injuries which are at present covered under the definition of “serious bodily injury”. It is, therefore, proposed to amend the definition of “serious bodily injury” and introduce a new definition of “reportable injury” to cover injuries which result in enforced absence for a period exceeding 20 days.

Clause 3.—This clause seeks to bring any mine engaged in the extraction of “slate”, “marl” and “chalk” in the category of mines exempted from certain provisions of the Mines Act, as there are at present a large number of mines producing slate, chalk and marl, most of which are small and shallow and are worked irregularly.

Clause 4.—This clause seeks to enlarge the powers of the Special Officer under section 8 of the Act so as to enable him to measure also any output in a mine.

Clause 5.—This clause seeks to insert a new section 9A with a view to empower the Mines Inspectorate to undertake safety and occupational health survey in mines. This provision is based on the recommendation made at the 16th Session of the Indian Labour Conference in this behalf.

Clause 6.—Sub-clause (a).—This is consequential to the amendment proposed in clause 5.

Sub-clause (b).—The change in clause (e) of sub-section (2) of section 10 of the Mines Act, 1952, has been necessitated because of the change in the designation of the post from “Director, Indian Bureau of Mines” to “Controller, Indian Bureau of Mines”. The new clause (f) proposed to be inserted in the said sub-section (2) of section 10 is intended to empower the Central Government to specify other officers, authorities or organisations to whom the information obtained under sub-section (1) of section 10 may be disclosed. The intention is that such information which will be of *bona fide* interest to other Government Departments and State Governments may be furnished to those parties.

Clause 7.—Sub-clause (1).—The new section 12 seeks to provide for the constitution of a single Mining Board. At present there are nine Mining Boards constituted for different States or groups of States. Constitution of the Boards on this basis is only a continuation of an old

practice where the power of constitution of the Boards and of making rules under the Act originally vested with the then local Governments. But as the power has since been transferred to the Central Government it is considered sufficient if a single Board for the whole of India is constituted. The new section 12A seeks to insert the usual provision to enable the Mining Board to function in spite of any vacancy or any defect in the constitution thereof.

Sub-clause (2) provides that from the date of constitution of the Mining Board, the present Mining Boards shall stand dissolved and their work transferred to the Mining Board.

Clause 8.—This clause seeks to remove the procedural difficulty in making nominations of workers' representatives in mines having no organisation of miners employed therein, to a Committee to be set up by the Central Government under section 13 of the Act.

Clauses 9 and 10.—The amendments in these clauses are consequential to the amendments proposed in clause 7 to section 12 of the Act.

Clause 11.—This amendment is consequential to the amendment proposed in clause 6(b) relating to the change in the designation of the post of Director, Indian Bureau of Mines.

Clause 12.—The existing sections 17 and 18 of the Act are proposed to be replaced by new sections 17 and 18 under this clause with a view to making the owner, agent or manager of a mine responsible to the extent of his statutory duties specified under the Act and the rules, regulations, etc., made thereunder, and for that purpose also to specify in the Act more clearly the duties and responsibilities of the owners.

Clause 13.—This clause seeks to clarify that the prohibitory order issued under section 22(3) by the Chief Inspector of Mines or an Inspector shall remain valid until the Chief Inspector or the Inspector is satisfied that the danger is removed. The amendment to sub-section (6) of section 22 seeks to ensure that there is no delay in referring the objection received under this sub-section to the Committee by the Central Government. The other amendments in this clause are of a clarificatory or consequential nature.

Clause 14.—This clause seeks to insert new section 22A to enable the Chief Inspector to prohibit employment of persons in cases where, despite warnings, the management does not show any improvement in regard to safety matters.

Clause 15.—*Sub-clause (a).*—This is consequential to the amendment proposed to clause 2(iv) and (v) whereby bodily injuries have been reclassified as reportable injuries and serious bodily injuries.

Sub-clause (b).—Under sub-section (3) of section 23 of the Act, bodily injury resulting in the enforced absence of an injured person from work for a period exceeding 48 hours is required to be entered in a register. These injuries are commonly known as minor ones. It is proposed to increase this period of enforced absence from 48 hours to 72 hours in order to bring the provision in line with the practice in foreign countries such as U.K., Germany, Japan, Poland, etc.

Clause 16.—This clause seeks to insert new section 23A to provide that a place of accident causing loss of life or serious bodily injury should not be disturbed before the arrival or without the consent of the Chief Inspector or an Inspector. This provision already exists in regulations framed under the Act. Being a substantive and important provision, it is considered necessary to include it in the Act itself.

Clause 17.—The fixation of time rate as per existing sub-section (2) of section 33 is administratively found not practicable and the first part of the amendment seeks to modify sub-section (2) suitably to overcome these difficulties. The second part is to clarify the different items that should be included in "ordinary rate of wages" for calculation of extra wages for overtime.

Clause 18.—The amendment proposed in this clause is consequential to the insertion of a new section 22A as proposed in clause 14.

Clause 19.—This clause seeks to amend section 49 in order to clarify that such of the benefits provided for in the Mines Act as are more favourable to the persons employed in a mine than those provided for under the provisions of an award, agreement or contract of service relating to those persons should be made available to them.

Clause 20.—Sub-clause (a) seeks to amend section 52 to provide for grant of proportionate leave in case of persons employed in a mine whose services are terminated or who leave the employment or superannuate or die during the course of the year if they have put in certain minimum number of attendance.

Sub-clause (b) is consequential to the amendment proposed in sub-clause (a).

Clause 21.—*Sub-clause (a).*—The amendment proposed to clause (q) of section 57 is intended to empower the Central Government to make regulations for regulating the use of machinery in mines and for providing for the safety of persons employed on or near such machinery and on haulage roads. The need for such a provision arises due to the operation of many types of new machinery, such as mechanical loaders, shuttle cars, etc., the use of which in mines introduces special hazards.

Sub-clause (b).—This sub-clause seeks to amend clause (u) of section 57 to make an enabling provision so that owners, agents and managers of mines may be required to have well defined boundary for every mine.

Sub-clause (c).—Power is also being taken under this sub-clause to enable the Central Government to make regulations for evolving standing procedures to deal effectively with any emergency situation caused by accidents or accidental explosions or ignitions. This provision is based on the recommendation made by the Indian Labour Conference experts in their report to the Government on mine safety.

Sub-clause (d).—This is consequential to introduction of metric system.

Clause 22.—*Sub-clause (a).*—This is consequential to the amendment proposed in clause 7.

Sub-clause (b).—It seeks to introduce a new provision in section 58 to provide for inspection of mines by workers' representatives as this would

help not only in checking contraventions but also in securing workers co-operation in safety measures. This provision is based on the recommendation made by the first Conference on Safety in Mines.

Sub-clause (c).—It seeks to delete the existing clauses (r), (s), (t) and (u) of section 58 of the Act, relating to establishment of rescue stations, as a separate chapter on the subject of rescue stations is proposed to be inserted under clause 27 of the Bill.

Sub-clause (d).—This sub-clause gives effect to another recommendation made by the first Conference on Safety in Mines with a view to providing for an effective method of associating workers with promotion of safety in mines by formation of safety committees.

Clause 23.—Sub-clause (a).—This is consequential to the proposed insertion of a new section 62G (*vide* clause 27 of the Bill).

Sub-clause (b).—This is consequential to the proposed amendment of section 12 by clause 7 of the Bill.

Sub-clause (c).—Sub-section (7) of section 59 is proposed to be omitted in consequence of the new section 59A (*vide* clause 24 of the Bill) which provides for the laying of regulations and rules made under the Act before each House of Parliament.

Clause 24.—The new section 59A provides for laying of regulations and rules made under the Act before each House of Parliament in conformity with the procedure now being followed.

Clause 25.—This is consequential to the amendment proposed in clause 7 of the Bill.

Clause 26.—Sub-clause (a).—Sub-section (1) of section 61 provides for submission of draft bye-laws for the control and guidance of the persons acting in the management of, or employed in, the mine so as to prevent accidents and to provide for the safety, convenience and discipline of the persons employed in the mine. Sub-clause (a) seeks to amplify that the bye-laws to be drafted may also provide in addition for safe working of special type of machinery or method of working in the mine.

Sub-clauses (b) and (c).—These are consequential to the amendment proposed in clause 7.

Clause 27.—At present the rescue stations are managed by a Committee constituted under the Coal Mines Rescue Rules, 1959, made by the Government pursuant to the provisions of section 58(r) to (v) of the Mines Act, 1952. It is proposed to entrust the work of establishing, manning and maintaining of rescue stations to an autonomous body because it is found by experience that unless special service conditions are offered for the personnel manning the rescue stations, it is difficult to recruit properly qualified and experienced personnel. It is, therefore, proposed to constitute an autonomous body to discharge the functions which are at present discharged by the existing Coal Mines Rescue Stations Committee and to make suitable provision for the payment of the duty levied under the existing section 58(u) of the Mines Act after usual deductions and after appropriation made by Parliament by law to the body corporate so established. Provision is also being made in the

proposed section 62H for regulating the transfer of assets and liabilities of the present Rescue Committee to the new corporate body when it is established.

Clauses 28 and 29.—*Sub-clause (a)* of these clauses is consequential to the insertion of new section 22A as per clause 14 of the Bill.

Sub-clause (b) of these clauses seeks to fix the quantum of minimum fines to be imposed for more serious types of offences under the Act.

Clause 30.—Under section 79, prosecutions for offences under the Act become time-barred after six months of the date of the alleged offence or the date on which the alleged offence came to the knowledge of the Inspector. In some instances where managers and agents employed in Government owned mines were prosecuted, the cases were discharged because the Government concerned did not accord sanction for their prosecution within six months of the date of the alleged offence. No further action could be taken in such cases. The amendment proposed in this clause is intended to overcome the difficulty experienced in such cases.

Clause 31.—This is consequential to the amendment proposed in clause 7 of the Bill.

Clause 32.—Section 83(1) of the Mines Act ~~does~~ not empower the Central Government to grant exemption from the regulations, rules or bye-laws made under the Act. *Sub-clause (a)* seeks to confer this power. Similar amendment is being made in sub-section (2) in so far as bye-laws are concerned.

Clause 33.—The amendment proposed gives statutory recognition to the authority of the Chief Inspector to reverse or modify for valid reasons any order that may be passed by him under the Act, regulations, rules or bye-laws.

Clause 34.—This clause seeks to insert a new section 85B which provides for the returns, notices, etc., to be signed by the owner, agent or manager.

The proposed new section 85C is intended to clarify the legal position that the cost of any protective equipment, etc., statutorily to be provided to the workers should be borne by the employer.

FINANCIAL MEMORANDUM

Clause 2(ii) of the Bill seeks to amend section 2(h) of the Act for enlarging the application of the Act to persons employed in the mines. Clause 20 of the Bill seeks to amend section 52 for making provision for granting of proportionate leave in the case of persons who cease to continue in service for one reason or the other during the course of the calendar year before they put in the required number of attendance. New section 85C inserted by clause 34 seeks to clarify that the cost of any protective equipment, etc., statutorily to be provided to the workers should be borne by the employer. The amendments proposed will involve increased expenditure from the Consolidated Fund of India in so far as they concern the Central Government Undertaking. It is estimated that the additional expenditure involved will be of the order of about Rs. 12.35 lakhs per annum recurring. No non-recurring expenditure is anticipated.

2. Clause 7 of the Bill which seeks to substitute section 12 of the Act relates to the constitution of a Mining Board. This Board will replace the existing 9 Mining Boards for different States or groups of States. The Mining Board will have a small staff and the Board will have also to pay Travelling Allowance and Daily Allowance to non-official members for attending the meetings of the Board as per Government rules. The setting up of the Board is expected to involve an annual recurring expenditure of about Rs. 25,000 as indicated below:—

Pay of establishment	..	..	Rs. 10,000
Allowances, honoraria	..	..	Rs. 12,000
Contingencies	..	..	<u>Rs. 3,000</u>
Total	..	..	Rs. 25,000

A non-recurring expenditure of Rs. 5,000 is expected to be incurred in the first year in the setting up of office and purchase of furniture, etc. The expenditure involved will be met from the Major Head "27-Scientific Departments" in so far as it relates to the Directorate General of Mines Safety.

3. Clause 27 of the Bill relates to the setting up of the Coal Mines Rescue Stations Committee. It is proposed that the Coal Mines Rescue Stations Committee already set up under the existing clauses (r) to (v) of section 58 of the Act may be made a corporate body. The annual recurring expenditure of the Committee at present is about Rs. 23 lakhs and there are 11 Rescue Stations functioning under the Committee. The Committee has plans to extend the rescue station facilities to other coal mining areas also and for this purpose to set up 9 more Rescue Stations.

The setting up of new Rescue Stations is expected to involve a non-recurring expenditure of about Rs. 30 lakhs at the rate of Rs. 3.27 lakhs (i.e. Rs. 1.97 lakhs for equipment plus Rs. 1.30 lakhs for buildings) per station. The recurring expenditure of the Committee is estimated to go up from Rs. 23 lakhs to Rs. 27 lakhs per annum, the recurring expenditure on one Station being about Rs. 0.40 lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21.—Sub-clause (a) of this clause seeks to amend clause (q) of section 57 to empower the Central Government to make regulations for regulating the use of machinery in mines and for providing for the safety of persons employed on or near such machinery and on haulage roads.

Sub-clause (b) seeks to amend clause (u) of section 57 to enable the Central Government to make regulations for requiring owners, agents and managers of mines to have well-defined boundary for every mine.

Sub-clause (c) seeks to amend clause (v) of that section to enable the Central Government to make regulations for evolving standing procedures to deal effectively with any emergency situation caused by accidents or accidental explosions or ignitions.

Sub-clause (d) seeks to amend clause (x) of that section consequent on the introduction of metric system.

Clause 22.—Sub-clause (a) seeks to substitute clause (a) of section 58 of the Act to enable the Central Government to make rules for prescribing the term of office and other conditions of service of, and the manner of filling vacancies among, the members of the Mining Board, and for regulating the procedure to be followed by the Mining Board for transacting its business.

Sub-clause (b) seeks to insert a new clause (cc) in section 58 of the Act to enable the Central Government to make rules for providing for inspection of mines to be carried out by a technical expert (not less than an overman in status) on behalf of the persons employed therein, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made.

Sub-clause (d) seeks to substitute clause (v) of section 58 for empowering the Central Government to make rules for providing for the constitution of safety committees for groups of specified mines or for all mines in a specified area, for promoting safety and for laying down the composition, manner of formation and functions of such safety committees.

New section 62C proposed to be inserted by clause 27 of the Bill empowers the Central Government to specify, by notification, a rate not exceeding ten paise per tonne for the purpose of levying a duty of excise on all coke and coal despatched from mines for which rescue stations have been established.

New section 62G proposed to be inserted by clause 27 of the Bill empowers the Central Government to make rules for the efficient functioning of the Coal Mines Rescue Stations Committee.

The matters with respect to which such regulations and rules may be made are matters of detail and day to day working within the scope of the general provisions of the Act. Under the proposed new section 62C, the maximum rate of duty of excise has been specified in the Act and the Government can notify a rate not exceeding the maximum so specified. The delegation of the legislative powers is, therefore, of a normal character.

BILL NO. 50 OF 1972

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1972-73 for the purposes of Railways.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Appropriation (Railways) No. 3 Act, 1972.

Issue of
Rs. 19,33,
55,19,000
out of
the Con-
solidated
Fund of
India
for the
financial
year
1972-73.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 1972] to the sum of one thousand nine hundred and thirty-three crores, fifty-five lakhs and nineteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1972-73, in respect of the services relating to railways specified in column 2 of the Schedule.

5 of 1972.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	1,65,18,000	..	1,65,18,000
2	Miscellaneous Expenditure	7,21,94,000	3,00,000	7,24,94,000
3	Payments to Worked Lines and Others	17,10,000	..	17,10,000
4	Working Expenses—Administration	89,60,46,000	20,000	89,60,66,000
5	Working Expenses—Repairs and Maintenance	309,58,92,000	10,000	309,59,22,000
6	Working Expenses—Operating Staff	191,42,97,000	..	191,42,97,000
7	Working Expenses—Operation (Fuel)	172,78,42,000	..	172,78,42,000
8	Working Expenses—Operation other than Staff and Fuel	50,52,92,000	71,54,000	51,24,51,000
9	Working Expenses—Miscellaneous Expenses	38,59,56,000	5,92,000	38,65,48,000
10	Working Expenses—Staff Welfare	29,33,25,000	..	29,33,25,000
11	Working Expenses—Appropriation to Depreciation Reserve Fund	110,00,00,000	..	110,00,00,000
11-A	Working Expenses—Appropriation to Pension Fund	16,00,00,000	..	16,00,00,000
12	Dividend to General Revenues	159,69,41,000	..	159,69,41,000
13	Open Line Works (Revenue)	7,00,36,000	..	7,00,36,000
14	Construction of New Lines—Capital and Depreciation Reserve Fund	37,71,88,000	2,81,000	37,74,69,000
15	Open Line Works—Capital, Depreciation Reserve Fund and Development Fund	652,19,41,000	3,32,000	652,22,73,000
16	Pensionary Charges—Pension Fund	10,10,52,000	..	10,10,52,000
17	Repayment of Loans from General Revenues and Interest thereon—Development Fund	4,19,02,000	..	4,19,02,000
18	Appropriation to Development Fund	20,50,06,000	..	20,50,06,000
19	Appropriation to Revenue Reserve Fund	12,03,37,000	..	12,03,37,000
20	Payments towards Amortisation of over-capitalisation, Repayment of Loans from General Revenues and Interest thereon—Revenue Reserve Fund	12,33,30,000	..	12,33,30,000
	TOTAL	19,32,68,05,000	87,14,000	19,33,55,19,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 116 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Consolidated Fund of India and the grants made in advance by the Lok Sabha in respect of the estimated expenditure of the Central Government on Railways for the financial year 1972-73.

K. HANUMANTHAIYA.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. 72-B-4017|1, dated the 6th May, 1972 from Shri K. Hanumanthaiya, Minister of Railways to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the proposed Appropriation Bill providing appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Fund and the grants made by the Lok Sabha for the financial year, 1972-73, recommends under clauses (1) and (3) of article 117 of the Constitution of India, the introduction in and consideration by the Lok Sabha of the Appropriation Bill.

S. L. SHAKDHER,
Secretary.